IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

J U D G M E N T

D.B. CIVIL REVIEW PETITION NO.101/2007.
In
D.B. CIVIL SPECIAL APPEAL NO.687/2007.

Kuldeep Tiwari
Vs.
The State of Rajasthan and ors.

Date of Order:- September 19, 2007.

PRESENT
HON'BLE THE CHIEF JUSTICE MR.J.M. PANCHAL
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Ravi Kasliwal for the appellant.
Mr. Harshvardhan Nandwana, Deputy Government Advocate for the State.

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BY THE COURT:- (Per J.M. Panchal, CJ)

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The instant application is filed to review the judgment dated May 15, 2007 rendered by the Division Bench of this Court in D.B. Civil Special Appeal No.687/2007 by which the judgment rendered by the learned Single Judge in S.B. Civil Writ Petition No.3081/2007 negativing challenge to the order dated July 14, 2006 transferring the petitioner from Ajmer to Barmer, came to be upheld.

2) This Court has heard the learned counsel for the parties and considered the documents forming part of the review application as well as the appeal.

3) The contention that direction given by the Division Bench that on petitioner’s joining at Barmer, he would be entitled to salary for three years is erroneous and, therefore, judgment should

be reviewed, cannot be accepted. No error apparent on the face of the judgment was committed by the Division Bench while giving the said direction. It may be stated that the said direction was given because a grievance was raised on behalf of the petitioner that he had had not been granted salary for three years. The transfer order was neither found to be in violation of statutory rule nor was found to be grossly arbitrary or malafide. Under the circumstances, the appeal filed by the petitioner was dismissed. If the petitioner was of the opinion that the view taken by the Division Bench was erroneous, it was open to him to challenge the order passed by the Division Bench before the higher court. However, admittedly, the petitioner never challenged the order passed by the Division Bench before the higher court. The grounds urged in the memorandum of the present petition would indicate that the same would be available to the petitioner if appeal had been filed. As no error apparent on the face of record is pointed out by the learned counsel for the petitioner, the instant petition is liable to be dismissed.

Hence, the petition is dismissed.

(MOHAMMAD RAFIQ), J. (J.M. PANCHAL), CJ.

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